



## Guidance note 6

# Identifying and establishing waterways foreshore areas

This note is one in a series that aims to assist people and organisations involved in implementing *Better urban water management* (BUWM), which was developed by the Western Australian Planning Commission in 2008.

## Background

Waterways are valuable state assets that contribute economic, social and environmental services to the Western Australian community. These services are dependent on the condition of the waterway.

Land use and development activities need to be carefully designed near waterways and should avoid:

- flooding risks to properties and infrastructure
- altering hydrological regimes
- risks to public health
- damage to community assets such as visual amenity, recreation, heritage and sense of place
- causing erosion and degradation of water quality
- harming riparian vegetation.

This guidance note outlines:

- the roles and responsibilities of proponents and various agencies
- how foreshore areas are identified and protected in the land planning process, consistent with the requirements of *Better urban water management*
- our expectations about acceptable land use activities within foreshore areas.

This note is based on *Operational policy: Identifying and establishing waterways foreshore areas* (Department of Water 2012), which updates and replaces *Foreshore policy no. 1: Identifying the foreshore area* (Water and Rivers Commission 2002).

## What are waterways and foreshore areas?

A **waterway** is any river, creek, stream or brook, including its floodplain and estuary. This includes systems that flow permanently, for part of the year or occasionally; and parts of the waterway that have been artificially modified.

A **foreshore area** is the land that adjoins or directly influences a waterway. It is the area of transition between the edge of the waterway and the furthest extent of riparian vegetation, the floodplain and riverine landforms. It may also be a negotiated area endorsed by the Department of Water.

An appropriate foreshore area is designed to:

- maintain or improve the functions, services and biological and physical features of the waterway
- enable future restoration when restoration is recommended for degraded waterways. This may include restoring meanders in a straightened waterway
- allow compatible land uses and related development activities to occur.

## Why are foreshore areas identified?

Waterways foreshore areas are protected and maintained because they provide important environmental, social and economic services.

The environmental services of waterways and their foreshore areas include protection from flooding, reduction of erosion and sedimentation, maintenance of river courses, improvements to water quality, drainage of the land in the catchment and maintenance of healthy terrestrial and aquatic ecosystems and biodiversity.

Waterways and their foreshore areas are important to people for reasons including provision of water supplies, recreation, amenity, Aboriginal and cultural heritage and sense of place. They also contribute significantly to the economy of Western Australia.

## When should wetlands be included in a foreshore area?

The Department of Environment and Conservation has overall responsibility for wetland conservation, including matters such as the management and protection of wetlands and their buffer areas. Wetlands that are adjacent to waterways or hydrologically connected to waterways may be included in a waterway foreshore area where this is supported by the Department of Environment and Conservation. These wetlands may be important to the functioning of the waterway and the foreshore area, for example, by retaining and slowing water during floods.

Wetlands are defined as areas of seasonally, intermittently or permanently waterlogged or inundated land, whether natural or otherwise, such as lakes, swamps, marshes, springs, and damplands. Excluded from this definition are waterways such as rivers, creeks, streams or brooks and their floodplains and estuaries.

The Department of Environment and Conservation's wetland datasets provide wetland mapping and information for some parts of Western Australia, including the Swan Coastal Plain and, to date, parts of the South West, South Coast, Mid West and Wheatbelt. Two wetland types shown in some of the wetland datasets – 'floodplain' and 'estuary peripheral' – are by definition part of waterways and should always be incorporated into the foreshore area. The 'floodplain' and 'estuary peripheral' geomorphic types are the responsibility of the Department of Water. Both agencies work together to maintain these datasets.

## Roles and responsibilities

### Planning authorities

Foreshore areas are considered at all stages of land planning and are established by planning authorities when planning approval is required near waterways in

accordance with the provisions of the *Planning and Development Act 2005*. For instance, when there will be changes to the existing land use, subdivision, or development where a development application is required.

Depending on the nature of the proposal, the relevant planning authority may be the Minister for Planning, the Western Australian Planning Commission, a local government, redevelopment authority or development assessment panel.

### Administrators of other approval processes

Foreshore areas may also be identified and protected by approval processes administered by other government agencies. For instance environmental impact assessments or processes to assess applications for native vegetation clearing permits, works approvals on prescribed premises, pastoral diversification and other permits on crown land, or development approvals in the Swan River Trust's Development Control Area. Decisions made under these processes may influence decisions made in the land planning process.

### Department of Water

The Department of Water provides expertise and advice to planning authorities and the administrators of other approval processes so that the appropriate level of protection is given to waterways. This includes providing advice about foreshore areas, assessing the proposed boundaries of foreshore areas and making recommendations for appropriate land uses and activities within foreshore areas.

### Swan River Trust

The Swan River Trust is responsible for protecting and improving the ecological and community benefits and amenity of the Swan Canning Riverpark. The trust provides advice and assistance to planning authorities so that land is reserved for protection and future acquisition of river foreshores in the Riverpark. The trust also controls activities and land development in its development control area, which includes the waters of the Swan and Canning rivers and the adjoining parks and recreation reserves.

### Proponents

The proponent is responsible for identifying the foreshore area, preparing the relevant water management report, and making commitments to protect or maintain the waterway as part of land planning and other approval processes. In the land planning process, the proponent is the initiator of the planning proposal. Depending on the stage of land planning, this may be the state government, redevelopment authority, local government or developer. For other approval processes, the proponent is the initiator of the application or development proposal.

## Foreshore areas in the land planning process, consistent with *Better urban water management*

Foreshore areas are considered at all stages of land planning. This ensures that the higher stages of land planning guide informed decisions about foreshore areas at subsequent planning stages.

The information about foreshore areas is contained in the relevant water management report (such as a regional, district or local water management strategy or urban water management plan) and is reflected in the relevant land planning tool.

Further details about the person or agency responsible for preparing and approving these plans are provided in *Better urban water management* (Western Australian Planning Commission 2008).

At the regional and district stage of land planning, indicative foreshore area boundaries are required to guide more detailed investigation and planning at later stages of the planning process. Exact foreshore area boundaries are identified at the local planning stage, unless there are high risk (such as potentially polluting) land uses, significant site constraints or unless detailed district structure planning is being undertaken. In these circumstances, either refinement or finalisation may be expected at the district planning stage.

Further information about the requirements for considering, identifying and protecting foreshore areas at each of the stages of land planning is provided in Appendix A of *Operational policy: Identifying and establishing waterways foreshore areas* (Department of Water 2012). This is an important part of the policy because it explains the department's expectations in more detail.

### Protection of foreshore areas in the land planning process

Foreshore areas are protected by foreshore reserves, public open space that includes a foreshore area, conservation covenants, restrictive covenants or conditions such as fencing or other barriers. These measures are integrated into the planning process to ensure that adequate consideration is given to protection of foreshore areas at each stage of land planning.

The approach to protecting foreshore areas will depend on the planning proposal, the values and condition of the waterway, and threats to it.

## How are foreshore areas identified in the land planning process?

The process for identifying a foreshore area is outlined in the *Operational policy: Identifying and establishing waterways foreshore areas* (Department of Water 2012).

Further guidance on how to identify a foreshore area will be provided in the *Guidelines for identifying and establishing waterways foreshore areas* (Department of Water in preparation). Until these guidelines are finalised, the existing guidelines, *Determining foreshore reserves* (Water and Rivers Commission 2001) can be used.

In accordance with *Operational policy: Identifying and establishing waterways foreshore areas*, the first step should be to advise the regional office of the Department of Water and relevant local government about the proposed foreshore area. Preliminary advice about the waterway should also be sought early in the land planning process.

## What types of land and development activities are compatible with a foreshore area?

The Department of Water advises on development activities that are compatible with a foreshore area. When providing this expertise and advice we:

- consider the purpose of the foreshore area, which could be foreshore protection, or foreshore protection and public recreation (where foreshores are publicly owned and managed as foreshore reserves for recreation)
- seek to protect the functions and services of the waterway
- allow for future restoration where required.

As a general rule, development in foreshore areas is limited to minimal impact development that is either beneficial to the waterway (e.g. walking trails or access points for water based recreation may allow for more direct and less damaging public access to a waterway); or in keeping with the purpose of the waterway. Refer to *Operational policy: Identifying and establishing waterways foreshore areas* (Department of Water 2012) for further information.

## References

Department of Water 2012, *Operational policy: Identifying and establishing waterways foreshore areas*, Department of Water, Perth.

— in preparation, *Guidelines for identifying and establishing waterways foreshore areas*, Department of Water, Perth.

Water and Rivers Commission 2001, *Determining foreshore reserves*, River Restoration Report 16, Water and Rivers Commission, Perth.

— 2002, *Foreshore policy no. 1: Identifying the foreshore area*, Water and Rivers Commission, Perth.

Western Australian Planning Commission 2008, *Better urban water management*, Western Australian Planning Commission, Perth.

## Further reading

Environmental Protection Authority 2008, Chapter B5, 'Waterways', in *Guidance statement 33: Environmental guidance for planning and development*, Environmental Protection Authority, Perth.

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